

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDY VEEDER,

Plaintiff,

v.

TRI-CAP, et al.,

Defendants.

4:17-cv-11690

HON. TERRENCE G. BERG

ORDER ADOPTING REPORT
AND RECOMMENDATION

This is a civil rights case brought under 42 U.S.C. § 1983. Plaintiff Randy Veeder claims his rights were violated while he was living at Open Door, a homeless shelter in Midland, Michigan, and while serving parole at two residential drug treatment facilities, TRI-CAP and New Paths, Inc., located in Saginaw and Flint, Michigan, respectively. On November 3, 2017, this Court referred all pretrial matters to Magistrate Judge Patricia T. Morris. Min. Entry dated Nov. 3, 2017, ECF No. 16.

Presently before the Court is a Report and Recommendation from Magistrate Judge Morris on Plaintiff's pending motions for leave to file an amended complaint, and for an extension of the time to complete discovery (ECF Nos. 72, 73). Magistrate Judge Morris recommends that the Court deny the motion for leave to amend because Plaintiff has not

provided any reason for the delay in filing this fifth such motion and, further, amendment would be futile and cause prejudice to Defendants. For similar reasons, the Magistrate Judge recommends denial of the motion to extend discovery, which is premised on the Plaintiff's request to add additional claims to this lawsuit. For the reasons described below, the Court will accept and adopt the Magistrate Judge's Report and Recommendation (ECF No. 82) and deny the pending motions.

BACKGROUND

Veeder has previously alleged several civil rights violations by the Defendants, which are described in detail in Magistrate Judge Morris's Reports and Recommendations, ECF Nos. 21, 53, and 59, and in this Court's previous orders. ECF Nos. 23, 60. Plaintiff initially filed his complaint on May 22, 2017, more than two years ago. ECF No. 1. He then filed an amended complaint on August 22, 2017, before Defendants had filed any responsive pleading, and was granted leave to file a second amended complaint on January 8, 2018. ECF Nos. 10, 25. He now seeks leave to again amend his pleading. As explained by the Magistrate Judge, this is Plaintiff's fifth motion for leave to amend his complaint. ECF No. 82 PageID.535; *see* ECF Nos. 9, 13, 15, 19, 72.

The parties, the Magistrate Judge, and this Court have already spent significant time and resources clarifying the factual and legal claims asserted by Plaintiff. Several claims and Defendants have already been dismissed from this suit *sua sponte* by the Court and as a result of

motions to dismiss and for summary judgment filed by the Defendants. *See, e.g.*, ECF Nos. 23, 60. As explained in detail by Magistrate Judge Morris, Plaintiff's most recent proposed amended complaint re-asserts several claims that have already been dismissed, including against Defendants that have previously been terminated, and seeks to add claims against a new Defendant, Ken Hicks, who worked for Open Door. ECF No. 72 PageID.473; *see* ECF No. 82 PageID.544–45. Plaintiff has provided no justification for adding new claims and another party to this case two years after filing his complaint. Further, discovery is now closed and the dispositive motions deadline is quickly approaching.

LAW AND ANALYSIS

The Court has reviewed the Magistrate Judge's Report and Recommendation on Plaintiff's motion for leave to once again amend his complaint, and for an extension of time to complete discovery. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). As of this date, neither party has filed any objections to either of Magistrate Judge Morris's Report and Recommendations. The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will therefore accept the Magistrate

Judge's Report and Recommendation of June 7, 2019 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby ordered that Magistrate Judge Morris's Report and Recommendation of June 7, 2019 (ECF No. 82) is **ACCEPTED** and **ADOPTED**. Accordingly, Plaintiff Randy Veeder's motion for leave to file an amended complaint (ECF No. 72) is **DENIED**, and his accompanying motion for an extension of time to complete discovery (ECF No. 73) is also **DENIED**.

SO ORDERED.

Dated: July 3, 2019

s/Terrence G. Berg

TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE